

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 23, 2017 AGENDA ITEM NUMBER: 18


SUBJECT: RESOLUTION AUTHORIZING EXECUTION OF A SAFE ON SEVEN: FORSYTH DOMESTIC VIOLENCE CENTER 2017 MEMORANDUM OF UNDERSTANDING (COURT SERVICES)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE:  DATE: January 19, 2017
COUNTY MANAGER

**RESOLUTION AUTHORIZING EXECUTION OF A SAFE ON SEVEN: FORSYTH
DOMESTIC VIOLENCE CENTER 2017 MEMORANDUM OF UNDERSTANDING
(COURT SERVICES)**

WHEREAS, Forsyth County, Forsyth County District Attorney's Office, Forsyth County Clerk of Superior Court, Family Services, Inc., Legal Aid of North Carolina, Inc., Forsyth County Sheriff's Office, Forsyth County Department of Social Services, North Carolina Division of Community Corrections, Chief District Court Judge of the 21st Judicial District, and the Winston-Salem Police Department partner to provide services to ensure the continued success of the Safe on Seven: Forsyth Domestic Violence Center by improving victim-related services and to enhance arrest and prosecution practices; and

WHEREAS, the Safe on Seven: Forsyth Domestic Violence Center (SOS) requests that all partner agencies and entities to the SOS Center execute a Memorandum of Understanding which documents the services provided by each entity to maintain the Center; and

WHEREAS, under the terms of the Memorandum of Understanding, Forsyth County commits to provide the following services to assist the Safe on Seven: Forsyth Domestic Violence Center:

- Provide in-kind furnished office space in the Hall of Justice for SOS Center;
- Provide coordination and payment of purchased goods and services;
- Provide for administering and tracking contractual arrangements;
- Assist with the budget and financial management of the program; and
- Collect and provide requested data and/or input for all required reports.

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the County Manager to execute, on behalf of Forsyth County, the attached Safe on Seven: Forsyth Domestic Violence Center 2017 Memorandum of Understanding, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the Forsyth County Attorney.

Adopted this the 23rd day of January 2017.

Safe on Seven: Forsyth Domestic Violence Center

SAFE ON SEVEN: FORSYTH DOMESTIC VIOLENCE CENTER

IV. 2017 MEMORANDUM OF UNDERSTANDING

This document constitutes a Memorandum of Understanding between all partners in the Safe on Seven: Forsyth Domestic Violence Center (SOS) regarding the continuation of the Center.

Whereas: Forsyth County, Forsyth County District Attorney's office, Forsyth County Clerk of Superior Court, Family Services, Inc, Legal Aid of North Carolina, Forsyth County Sheriff's Office, Inc., NC Department Of Corrections, Probation; 21st Judicial District, Chief District Court Judge, and Winston Salem Police Department, have come together to collaborate and to make an application for grant funding; and Whereas, the partners herein desire to enter into a Memorandum of Understanding setting forth the services provided by the collaborative; and Whereas, the application and budget prepared and approved by the collaborative through its partners;

I. History of Relationship and Community Collaboration regarding Domestic Violence

In Forsyth County, community partners have a long history of working collaboratively to improve services to victims of domestic violence. North Carolina's first emergency family shelter serving victims of domestic violence was established in Winston-Salem in 1978. Family Services, Inc. assumed responsibility for this program in 1985 and developed programs to serve both victims and offenders, including court advocacy.

In the 1990's, a number of public and private organizations in Forsyth County began focused efforts to combat domestic violence. Specialized units were created with the Forsyth County District Attorney's Office, the Winston-Salem Police Department and the Forsyth County Sheriff's Office. The Forsyth County Clerk of Court assigned a Clerk specifically to address domestic violence. Winston-Salem State University's Center of Community Safety was established to

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provide leadership in a variety of areas including strategic planning and the development of more coordinated data collection efforts; focus areas include juvenile crime and domestic violence. In cooperation with the Wake Forest University School of Law and the Forsyth County Bar Association, the Domestic Violence Advisory Center of the Legal Aid Society of Northwest NC, Inc. (now Legal Aid of NC) began to provide legal assistance to victims (it was awarded the ABA Harrison Tweed Award for this project in 1996, and in 2004 the North Carolina Bar Association Law Student). Finally, to insure ongoing communication and collaboration, the Domestic Violence Coordinating Council (DVCC) began in 1999 under the leadership of Family Services, Inc. and serves as the primary community convener around the issue of domestic violence. All Partners participate in the SOS partner meetings. All of the parties identified in this MOU are represented in the DVCC and pledge to continue their participation which should help ensure the success of the proposed project.

As indicated, there has been a long and positive collaborative history of the key partners of the SOS. All of these parties, and others, have had ongoing discussions about maintaining the current project and to continue to improve victim-related services and to enhance arrest and prosecution practices. Relative to the current grant proposal, input from each partner has been secured through individual and community meetings.

II. Description of Partner Agencies:

Forsyth County District Attorney's Office: The Forsyth County District Attorney's (FCDA) office serves as the key criminal legal advocate for victims of domestic violence. The District Attorney's office provides coordinated services to victims through the specialized District Attorney's Domestic Violence Unit (DADV) that assists victims in preparing a case for trial as well as prosecutes all criminal domestic violence, stalking and sexual assault charges.

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Forsyth County Clerk of Court's Office: The Forsyth County Clerk of Court's Office for the past 21 years has had the responsibility of assisting victims through the judicial process of obtaining civil domestic violence, dating violence, sexual assault and stalking restraining orders. As a state agency under the Administrative Office of the Courts, the Clerk's office is required to provide forms to victims, and a separate space for completing the paper work.

Family Services, Inc.: Family Services, Inc. is a local non-profit agency which has provided comprehensive services to the local community since 1905. With special emphasis upon families impacted by violence, the Safe Relationships Division provides crisis intervention and supportive services to families in Forsyth County. In addition, Family Services operates North Carolina's oldest family shelter for victims of domestic violence. Specific services to families suffering from domestic violence, dating violence, sexual assault and stalking include 24 hour crisis intervention, safety planning, advocacy and support, individual and group counseling. Victims needing comprehensive services are referred to the Family Services office. In addition to serving as the primary trainer of community members and professionals in the areas of domestic violence, Family Services has a ten year history of providing oversight of the Domestic Violence Community Council.

Legal Aid of North Carolina, Inc.: Domestic Violence Advocacy Center(DVAC): Through DVAC, attorneys provide victims of domestic violence with legal advice and representation in civil legal matters including protective order hearings, custody hearings, and other family and civil matters resulting from domestic violence which will enhance the safety and self-sufficiency of clients and their children. Services are provided through staff attorneys and volunteer attorneys from the local private bar.

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Forsyth County Sheriff's Office: The Forsyth County Sheriff's Office reviews all county domestic violence reports and refers information to the District Attorney's Office as well as to Family Services, Inc for victim services. The agency continues its pro-arrest policies and procedures and training for all deputies responding to domestic violence incidents. The Sheriff's Office will maintain the Domestic Violence and Victim Services Unit which includes DV/VA detective. The Office continues to follow Full Faith and Credit guidelines. Staff will continue to serve all domestic violence protective orders in Forsyth County.

Forsyth County Department of Social Services: The Forsyth County Department of Social Services provides a multitude of economic, supportive and protective services to individuals and families in need in Forsyth County. DSS has been a partner with numerous agencies to address the community concerns regarding domestic violence. DSS provides financial support in the form of Food and Nutrition Services, Medicaid, Work First Cash assistance, Child Support Enforcement unit, heating and cooling related emergency assistance, and child care subsidies to families meeting the income and need criteria.

NC Department of Corrections: Probation: The Department of Corrections: Probation will continue to provide supervision to defendants convicted of domestic violence, sexual assault or stalking charges and ordered by the Court to supervised probation.

Winston Salem Police Department: The Winston-Salem Police Department (WSPD) organized a Domestic Violence/Victims Services unit in 1996, which is now known as the Victim Assistance Unit. This specialized unit assists victims of domestic violence, burglary, robbery, sexual assault, and homicide within the City of Winston-Salem.

Safe on Seven is located in the Hall of Justice in Winston-Salem, NC. This continues to be an ideal facility since it currently houses District and Superior court, judges' chambers, the District

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Attorney's Office (and its specialized Domestic Violence Unit), and the Clerk of Court. Being located in the District Attorney's Office allows The Safe on Seven: Forsyth Domestic Violence Center to have office and building security.

III. Development of the Application

The significant increase in clients seeking services at SOS demonstrates the ongoing need for the specialized services offered. The requested positions are vital to the ongoing efficient functioning of SOS. Victims, the community and the SOS team staff benefit greatly from the collaboration and the services provided. All parties are supportive of these initiatives and of the future plans to submit grant applications to maintain additional needed services related to domestic violence, stalking and sexual assault.

IV. Roles and Responsibilities of Partners

Now, therefore it is hereby agreed by and between the partners as follows:

Family Services, Inc.: Family Services, Inc (FSI) staff has been instrumental in the inception and initial creation of the center as well as providing oversight and coordination to the project in an ongoing capacity. Family Services, Inc serves as the community leader for all services regarding domestic violence, sexual assault and stalking. The project manager is an employee of Family Services, Inc. (the domestic violence, dating violence, sexual assault and stalking victim services agency)

With respect to the SOS, Family Services will:

- Employ staff to conduct initial screenings, safety planning and assessments; provide advocacy services to victims; and actively collaborate with other team members to insure effective operation of the center;

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- Employ staff in role of project coordinator to oversee the entire project and maintain primary focus on victim safety, coordinate all procedures, and serve as the primary victim services advisor;
- Contribute to the project various in-kind services including specialized victim advocacy, counseling, and education to victims which do not compromise victim safety;
- Contribute off-site, residential shelter for domestic violence victims and their children as well as 24-hour crisis response to victims;
- Provide supply of 911 cell phones for distribution to and use of victims for increased safety.
- Provide access to trained and certified staff that provide application services for the NC Address Confidentiality program, and the NC Victims Compensation program
- Continue its role as the primary service provider for victims of domestic violence in a way that promotes their dignity and self-sufficiency, improves their access to resources, and creates options for them in seeking safety from perpetrator violence;
- Assist in the recruitment and training of volunteer support for program sites;
- Contribute training and educational services to the community on domestic violence, sexual assault and stalking;
- Continue to provide organizational oversight for the Domestic Violence Community Council to address collaborative issues relative to domestic violence.
- Participate in the SOS Partner meetings;
- Collect and provide requested data and/or input for all required reports

Forsyth County: Forsyth County has worked to support and provides assistance in the grant application process and administration of the various funding sources. Forsyth County has

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assumed all the administrative costs for financial oversight of grant funds for SOS. The County has donated furnishings and prime downtown office space (which was recently renovated by the county specifically for Safe on Seven) for an in-kind donation in the county court house for the SOS and DADVU projects. In addition, Forsyth County has worked with the Forsyth County District Attorney's office since 1997 to assist and support efforts to address the incidents of domestic violence in our community. Forsyth County has submitted grants to secure initial funding to start and maintain the District Attorney's Domestic Violence Unit and later absorbed much of the ongoing costs to continue this vital service. Two sworn deputies have been shifted away from Federal funding and transitioned to the County's General Fund under the FCSO. With Respect to SOS, Forsyth County will:

- Provide in-kind furnished office space to the hall of Justice for SOS
- Provide coordination and payment of purchasing goods and services;
- Provide for administering and tracking contractual arrangements;
- Assist with the budget and financial management of the program.
- Collect and provide requested data and/or input for all required reports;

Forsyth County Clerk Of Court: The Clerk's office will provide (1) deputy clerk employees to process the filing of the DVPO domestic violence orders. Through the NC Administrative Office of the Courts, preprinted forms will be provided to the victims and the deputy clerk will administer the oath and help the victim to get before a judge. The clerk will be responsible for processing the documents to the various agencies and for data entry and follow up in the court proceedings. In addition, the Clerk will provide a second deputy clerk of court in the civil domestic court room to coordinate the cases, record dispositions and process all the files. The Clerk will oversee the supervision of the deputy clerks working on site and will commit to help

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in the joint efforts of the project. The Clerk will continue to provide funding for one full time employee and request that the duties currently being done outside of the realm of the General Statutes for the Clerk's role be continued to achieve the success of the project. The Clerk will notify the project if any additional funding can be obtained to sustain the position. The Clerk will insure that project will have employees available to help with the filing procedures, processing the paperwork and assisting the victim to get before the judge. The clerk will provide copies to the victim and distribute copies of any protective orders to the local law enforcement agency and members of the project. The Clerk will work with the collaborated agencies by providing assistance to the victims and helping process the victims that come into the center. The deputy clerk will help collect data that is to be shared among the agencies and provide copies of orders information that can be released. The clerks will be available for collaborative meetings to provide input that they may be having with the various agencies. If continuation funding can not be obtained, the Clerk will determine ways to try and maintain duties or provide the necessary duties to help the victim.

With respect to the SOS, the Forsyth County Clerk Court's Office will:

- Employ two full-time clerks to provide specialized assistance for domestic violence cases;
- Provide state legal forms for DVPO complaints (English and Spanish) as provided by NC Administrative Office of the courts
- Provide on-site services by staff at the SOS;
- Execute the administrative task and duties involved in processing the case through the courts and providing that information back to the SOS and law enforcement agencies;
- Serve as a liaison between the SOS and the Judges;

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- Encourage ongoing training relative to domestic violence for Clerk's Office staff; and
- Continue to participate in the Domestic Violence Community Council and the SOS Partner meetings to address collaborative community issues relative to domestic violence.
- Collect and provide requested data and/or input for all required reports;

Forsyth County Department of Social Services: The Forsyth County DSS will provide referral services to clients of the Safe on Seventh program and will respond to referrals for benefit applications. Forsyth County DSS will facilitate the applications for Food and Nutrition Services (food stamps) and for Family and Children's Medicaid benefits. In addition, they will make referrals to other DSS services such as Child Support Enforcement Unit and Child Care Services Unit as requested.

The Forsyth County DSS has a long history of collaborating with the domestic violence prevention and intervention services in our community. We have engaged in outreach and education efforts, and have contracted for counseling services and nights of shelter for persons receiving or eligible to receive DSS services. The agency's staff will continue to work with the staff of SOS and its clients as needed and appropriate in the provision DSS services.

DSS provides financial support in the form of Food and Nutrition Services, Medicaid, Work First Cash assistance, heating and cooling related emergency assistance, and child care subsidies to family meeting the income and need criteria. These benefits certainly extend to individuals and children victimized by domestic violence/sexual offenders.

With respect to SOS, the Forsyth County Department of Social Services will:

- Forsyth County DSS will provide screening for services such as TANF fund application assistance,; Child Care assistance and food stamp applications

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- Provide services for the Family Services Shelter for Domestic Violence victims and their children;
- Continue to participate in joint training opportunities;
- Continue to participate in Domestic Violence Community Council;
- The DSS by definition and by various legal mandates works almost daily with all of the services listed above with the possible exception of Legal Aid and the Center for Community Safety, and these agencies are frequently community partners in initiatives and safety related programs;
- Participate in the SOS Partner meetings;
- Collect and provide requested data and/or input for all required reports.

Forsyth County District Attorney's Office: The Forsyth County District Attorney's office (FCDA) will continue to serve as the key legal advocate for victims of domestic violence. Services will be provided on-site. The FCDA will continue to provide coordinated services to victims through the specialized District Attorney's Domestic Violence Unit (DADVU) that assists victims throughout the court process. This unit is comprised of four legal assistants who contact victims immediately after arrest; provide information on victim's compensation assistance, judicial processes, court dates, and bond. They also provide appropriate safety information to an Assistant District Attorney (ADA) and judge at first appearance hearings, prep legal case files and provide referrals to a designated ADA who prosecutes all misdemeanor domestic violence cases. The FCDA also provides additional ADAs who prosecute felony DV and stalking cases. The FCDA has committed an ADA to oversee/supervise the DADVU. The specialized DV prosecution team will continue to aggressively prosecute domestic violence cases, respond to information gathered by the DADVU about victim safety issues and needs, and

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provide skilled advocacy and consistency in the courtroom. The FCDA is committed to maintaining and strengthening a dedicated prosecution team to aggressively prosecute domestic violence cases, and will continue to seek out funding to support that effort.

With respect to SOS the Forsyth County District Attorney's Office will:

- Contribute on-site services by staff (Assistant District Attorneys and staff in the FCDA Domestic Violence Unit) at SOS;
- Hire, train and supervise the requested DADV unit and Legal Assistants
- Coordinate with team members relative to case status, court appearances, and other judicial matters;
- Support the availability of donated (in-kind) space in the Hall of Justice for Center;
- Coordinate with the Legal Aid of NC when clients' civil protective order and criminal cases overlap to insure the efficient prosecution of both proceedings;
- Interface with the Forsyth County administrative offices relative to issues involving the physical needs of the Center;
- Encourage ongoing training relative to domestic violence for DA's staff;
- Collect and provide requested data and/or input for all required reports;
- Continue to participate in the Domestic Violence Community Council and the SOS Partner meetings to address collaborative community issues relative to domestic violence.

Forsyth County Sheriff's Office: The Forsyth County Sheriff's Office reviews all domestic violence reports and refers information to the District Attorney's Office and Family Services. The Sheriff's Office will continue to follow Full Faith and Credit guidelines. The Sheriff's Office has four specialized process servers on site that will continue to serve all domestic violence/stalking/ and sexual assault protective orders in Forsyth County. The FCSO currently

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has no positions that are funded through project grant funds. The FCSO has provided fulltime staff to the project and has been able to absorb previous project grant positions into the general budget or by finding alternative grant funding sources.

With respect to the SOS, the Forsyth County Sheriff's Office will:

- Work collaboratively with other law enforcement organizations to develop and maintain integrated data base system within Forsyth County;
- Work to develop a system to identify and track all Domestic Violence Protective Orders and violators of such orders;
- Encourage ongoing training relative to domestic violence for FCSO employees; and
- Continue to participate in the Domestic Violence Community Council and the SOS Partner meetings to address collaborative community issues relative to domestic violence;
- Contribute on-site staff to facilitate communication and coordination with all partner agencies;
- Contribute one full time corporal to provide on site supervision and oversight for process service staff;
- Collect and provide requested data and/or input for all required reports;
- Employ and equip 3 full-time sworn deputies who will be responsible for service of civil DVPO and sexual assault /stalking protective orders in Forsyth County;

Legal Aid of North Carolina: Legal Aid of NC (LANC) will work with all SOS partners to assist the victim in receiving their protective orders and educating victims regarding their legal rights and responsibilities. We will contact each agency as it becomes necessary to achieve the ultimate goal of helping the victim separate from the abuser. LANC has been committed to this work since 1996 - when our predecessor Legal Aid Society of Northwest North Carolina, Inc.

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(LAS) first received a grant to do this work. In 2007, LAS merged its staff with LANC staff and consolidated its operations with LANC. LANC has continued to do the work. This work is one of several priorities that we believe is necessary to serve underrepresented populations. Preventing domestic violence stabilizes families and allows them to feel safe and secure. LANC plans to apply to other funders to receive additional funding to continue the work. Preventing domestic violence continues to be one of several priorities of LANC.

With respect to the SOS, Legal Aid (DVAC) will:

- Contribute an on-site paralegal
- Provide operating costs to support 1.5 staff positions at the shared space of SOS;
- When available ,contribute volunteers to assist with program operations;
- Contribute the full-time equivalent of at least one staff attorney and more time, if funds become available, to represent victims in court in their efforts to receive One-year protective orders;
- Recruit volunteer attorneys and provide necessary training;
- Provide supervision of its to staff and all operations necessary to sustain its SOS duties and obligations;
- Provide legal representation to qualified victims in appropriate civil actions;
- Coordinate with the FCDA office when clients civil protective order and criminal cases overlap to insure the efficient prosecution of both proceedings;
- Train all DVAC representatives to provide services through the SOS;
- Continue to participate in the Domestic Violence Community Council and the SOS Partner meetings to address collaborative community issues relative to domestic violence;
- Collect and provide requested data and/or input for all required reports;

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NC Department of Correction: Probation: Probation office will continue to provide supervision to all assigned defendants convicted and placed on supervised probation for the offenses of domestic violence, stalking, sexual assault and dating violence. DOC staff will continue to encourage ongoing training of staff;

- Provide supervision to all assigned probationers convicted of domestic violence offenses;
- Coordinate with the FCDA staff and the Offender Accountability committee regarding identifying high risk/repeat DV offenders;
- Collect and provide requested data and/or input for all required reports.

Chief District Court Judge

With respect to the SOS, the Chief District Court Judge will:

- Support the concept of SOS which aims to bring together collaborative service providers related to domestic violence;
- Maintain the specialized DV court;
- Encourage ongoing training relative to domestic violence for judges and magistrates;
- Continue to participate in the Domestic Violence Community Council to address collaborative community issues relative to domestic violence;
- Collect and provide requested data and/or input for all required reports;

Winston Salem Police Department: WSPD provides follow-up contact to victims of DV, sexual assault, and stalking if warranted. WSPD provides victims with referrals, informational literature, contacts for community agencies, case status information, assistance with Victim Compensation applications, and court room advocacy. WSPD will provide a specialized DV investigator as part of the Special Victims Unit to conduct follow up investigation of identified cases. WSPD will provide a victim services specialist at SOS twice a week on Tuesday and

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Thursday. WSPD Victim Assistance Unit attends collaborative meetings with family services, INC (DVCC, SART) and Adult Probation and Parole to discuss domestic violence and sexual assault. WSPD seeks to advocate for those affected by these crimes and find new ways to prevent future victimization. WSPD will maintain the Victim Assistance Unit as staffed. WSPD will continue to collaborate with SOS partner agencies.

With respect to the SOS, the WSPD will:

- Provide a Specialized Domestic Violence Investigator as part of the special victims unit assigned victims services on-site.
- To work collaboratively with other law enforcement organizations to develop and maintain integrated data base system within Forsyth County;
- Maintain a system to identify and track all Domestic Violence Protective Orders and violators of such orders;
- Encourage ongoing training relative to domestic violence for WSPD employees;
- Continue to participate in the Domestic Violence Community Council and the SOS Partner meetings to address collaborative community issues relative to domestic violence;
- Collect and provide requested data and/or input for all required reports;

V. Timeline:

The roles and responsibilities described above are contingent on Forsyth County receiving funds requested for the project described in OVW grant application. Responsibilities under this MOU will coincide with the grant period anticipated to be 10/01/2017 through 09/30/2018.

Collaboration service area includes Forsyth County, North Carolina.

Partners agree to collaborate and provide multi-agency one stop shop services regarding services and access to the civil and criminal court processes for all the above listed services to victims of

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domestic violence, dating violence, sexual assault, and stalking pursuant to the program narrative of the grant application attached to this agreement.

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2017 Memorandum of Understanding: Signature Page 1 OF 2**

This Memorandum of Understanding reflects the responsibilities of the agencies (*listed alphabetically*) which will be affiliated with the Safe on Seven: Forsyth Domestic Violence Center. It does not preclude the addition of other partners nor of the possibility of modifying the specific role of program partners.

I hereby agree to support the operation of the Safe on Seven: Forsyth Domestic Violence Center, approve the proposed budget, and support the proposed plan specific to my role (or my organization's role) as contained in this Memorandum of Understanding. I understand that the exact responsibilities of each partner agency may be modified as further discussions occur as a part of the strategic planning process. I agree that the continuation of this Center will be of significant benefit to families in our community. We, the undersigned have read and agree with this MOU. Further, we have reviewed the proposed project and approve it.

Robert J. Feikema, President
Family Services, Inc.

Date

Dudley Watts, County Manager
Forsyth County

Date

Susan Frye, Clerk of Court
Forsyth County Clerk of Court's Office

Date

Debra Donahue, Director
Forsyth County Department of Social Services

Date

James O'Neill, District Attorney
Forsyth County District Attorney's Office

Date

William Schatzman, Sheriff
Forsyth County Sheriff's Office

Date

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2017 Memorandum of Understanding: Signature Page 2 OF 2**

Valene Franco, Managing Attorney
Legal Aid of NC, Inc. (Winston Salem office)

Date

Sherri Cook, Judicial District Manager
NC Division of Community Corrections

Date

Lisa. V. Menefee, Chief District Court Judge
21st Judicial District

Date

Barry Rountree, Chief
Winston- Salem Police Department

Date